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09/634,793	08/09/2000	Zeeman Zhang	99482	5219

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EXAMINER

GAUTHIER, GERALD

ART UNIT

PAPER NUMBER

2645

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14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,793

Applicant(s)

ZHANG ET AL.

Examiner

Gerald Gauthier

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12. 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2, 4-11 and 13-39** are rejected under 35 U.S.C. 102(e) as being anticipated by Wurster et al. (US 6,459,780).

Regarding **claim 1**, Wurster discloses a method for providing a called party call disposition options (column 1, lines 7-9), (which reads on claimed “a network for providing a telecommunications service with automatic speech recognition (206 on FIG. 2) to a telecommunications user”), comprising:

a switch (102 on FIG. 1) in communication with a telecommunications device (117 on FIG. 1) associated with the telecommunications user for detecting a terminating trigger (column 7, line 5 “a AIN terminating attempt trigger”) specific to the telecommunications service in response to an incoming communication (column 7, line 10 “detect calls”) to the telecommunications device from a calling party (column 7, lines

1-24) [The terminating attempt trigger is set to detect calls from a calling party to a call screening subscriber]; and

an intelligent resource server (104 on FIG. 1) in communication with the switch for receiving the incoming communication from the switch, for placing an outgoing communication (column 10, line 12 "CALL FROM") to the telecommunications device via the switch, the outgoing communication including an audible message (column 10, line 13 " the recorded audio of the calling party") identifying the calling party, and for automatically recognizing a predetermined keyword spoken (column 12, line 66 "one") by the telecommunications user in response to the outgoing communication (column 12, line 60 to column 13, line 4) [The system allows the subscriber to enter responses of the call disposition using speech].

Regarding **claims 2 and 11**, Wurster discloses wherein the switch includes an SSP switch of a central office in communication with the telecommunications device via a subscriber line (column 4, lines 48-57).

Regarding **claims 4 and 13**, Wurster discloses a service control point in communication with the switch (column 4, lines 48-57).

Regarding **claims 5 and 14**, Wurster discloses the switch is further for sending a query message to the service control point in response to detecting the terminating trigger (column 5, lines 14-25); and

the service control point is for returning a message to the switch to route the incoming communication to the intelligent resource server (column 5, lines 14-25).

Regarding **claims 6 and 15**, Wurster discloses wherein the service control point is further for returning the message to the switch to route the incoming communication to the intelligent resource server based on a determination of whether the telecommunications user is a subscriber of the telecommunications service (column 5, lines 14-25).

Regarding **claims 7, 16 and 23**, Wurster discloses wherein the intelligent resource server is further for processing the incoming communication based on recognition of the predetermined keyword (column 12, lines 60-67).

Regarding **claims 8 and 17**, Wurster discloses wherein the intelligent resource server is further for forwarding the incoming communication to the telecommunications device based on recognition of a first predetermined keyword (column 12, lines 60-67).

Regarding **claims 9, 18 and 24**, Wurster discloses wherein the intelligent resource server is further for forwarding the incoming communication to a messaging system associated with the telecommunications user based on recognition of a second predetermined keyword (column 3, lines 49-63).

Regarding **claim 10**, Wurster discloses a method for providing a called party call disposition options (column 1, lines 7-9), (which reads on claimed “a network for providing a telecommunications service with automatic speech recognition (206 on FIG. 2) to a telecommunications user”), comprising:

a switch (102 on FIG. 1) in communication with a telecommunications device (117 on FIG. 1) associated with the telecommunications user for detecting a terminating trigger (column 7, line 5 “a AIN terminating attempt trigger”) specific to the telecommunications service in response to an incoming communication (column 7, line 10 “detect calls”) to the telecommunications device from a calling party (column 7, lines 1-24) [The terminating attempt trigger is set to detect calls from a calling party to a call screening subscriber];

a call processing module (104 on FIG. 1) in communication with the switch for receiving the incoming communication from the switch and for placing an outgoing communication (column 10, line 12 “CALL FROM”) to the telecommunications device via the switch (column 10, lines 8-20) [The IP plays to the called party the record audio of the calling party to identify the calling party]; and

an automatic speech recognition module (206 on FIG. 2) in communication with the switch the outgoing communication including an audible message (column 10, line 13 “ the recorded audio of the calling party”) identifying the calling party, and for recognizing a predetermined keyword spoken (column 12, line 66 “one”) by the telecommunications user in response to the outgoing communication (column 12, line

60 to column 13, line 4) [The system allows the subscriber to enter responses of the call disposition using speech].

Regarding **claims 19 and 25**, Wurster discloses an enunciation module in communication with the switch for playing the audible message identifying the calling party (column 10, lines 8-20).

Regarding **claims 20 and 26**, Wurster discloses a DTMF decoder module in communication with the switch for recognizing a predetermined DTMF character entered by the telecommunications user in response to the outgoing communication (column 10, lines 27-53).

Regarding **claims 21 and 27**, Wurster discloses wherein the call processing module is further for processing the incoming communication based on recognition of the predetermined DTMF character by the DTMF decoder module (column 10, lines 27-53).

Regarding **claim 22**, Wurster discloses a method for providing a called party call disposition options (column 1, lines 7-9), (which reads on claimed “an intelligent resource server for providing a telecommunications service with automatic speech recognition for a telecommunications user”), comprising:

a call processing module (202 on FIG. 2) for receiving from a switch (102 on FIG. 1) in communication with a telecommunications device (117 on FIG. 1) associated with the telecommunications user an incoming communication (column 7, line 10 “detect calls”) to the telecommunications device from a calling party (118 on FIG. 1), and for placing an outgoing communication (column 10, line 12 “CALL FROM”) to the telecommunications device via the switch (column 10, lines 8-20) [The IP plays to the called party the record audio of the calling party to identify the calling party];

an automatic speech recognition module (206 on FIG. 2) in communication with the call processing module the outgoing communication including an audible message (column 10, line 13 “ the recorded audio of the calling party”) identifying the calling party, and for recognizing a predetermined keyword spoken (column 12, line 66 “one”) by the telecommunications user in response to the outgoing communication (column 12, line 60 to column 13, line 4) [The system allows the subscriber to enter responses of the call disposition using speech].

Regarding **claim 28**, Wurster discloses a method for providing a called party call disposition options (column 1, lines 7-9), (which reads on claimed “a method for providing a telecommunications service with automatic speech recognition (206 on FIG.2) to a telecommunications user”), comprising:

detecting an incoming communication (column 7, line 10 “detect calls”) from a calling party (column 7, line 24 “calling party”) to the telecommunications user (column

7, lines 1-24) [The terminating attempt trigger is set to detect calls from a calling party to a call screening subscriber];

placing an outgoing communication (column 10, line 12 "CALL FROM") to the telecommunications user using an intelligent resource server (104 on FIG. 1) in response to detection of the incoming call transmits the outgoing communication identifying the calling party (column 10, lines 8-20) [The IP plays to the called party the record audio of the calling party to identify the calling party]; and

automatically recognizing a predetermined keyword spoken (column 12, line 66 "one") by the telecommunications user using an intelligent resource server (104 on FIG. 1), wherein the predetermined keyword spoken by the telecommunications user is in response to the outgoing communication (column 12, line 60 to column 13, line 4) [The system allows the subscriber to enter responses of the call disposition using speech].

Regarding **claim 29**, Wurster discloses wherein placing an outgoing communication includes placing an outgoing communication to the telecommunications user identifying the calling party when it is determined that the telecommunications user is a subscriber of the telecommunications service (column 10, lines 8-20).

Regarding **claims 30 and 37**, Wurster discloses processing the incoming communication based on recognition of the predetermined keyword (column 12, line 60 to column 13, line 4).

Regarding **claims 31 and 38**, Wurster discloses wherein processing the incoming communication includes routing the incoming communication to the telecommunications user based on recognition of a first predetermined keyword (column 12, line 60 to column 13, line 4).

Regarding **claims 32 and 39**, Wurster discloses wherein processing the incoming communication includes routing the incoming communication to a messaging system associated with the telecommunications user based on recognition of a second predetermined keyword (column 10, lines 8-20).

Regarding **claims 33 and 36**, Wurster discloses recognizing a predetermined DTMF character entered by the telecommunications user in response to the outgoing communication (column 10, lines 27-53).

Regarding **claim 34**, Wurster discloses processing the incoming communication based on recognition of the predetermined DTMF character (column 10, lines 27-53).

Regarding **claim 35**, Wurster discloses a method for providing a called party call disposition options (column 1, lines 7-9), (which reads on claimed "a network for providing a telecommunications service with automatic speech recognition to a telecommunications user"), comprising:

means for detecting an incoming communication (column 7, line 10 “detect calls”) from a calling party (column 7, line 24 “calling party”) to the telecommunications user (column 7, lines 1-24) [The terminating attempt trigger is set to detect calls from a calling party to a call screening subscriber];

means for placing an outgoing communication (column 10, line 12 “CALL FROM”) using an intelligent resource server (104 on FIG. 1), wherein the intelligent resource server in response to detection of the incoming call transmits the outgoing communication identifying the calling party (column 10, lines 8-20) [The IP plays to the called party the record audio of the calling party to identify the calling party]; and

means for automatically recognizing a predetermined keyword spoken (column 12, line 66 "one") by the telecommunications user using an intelligent resource server (104 on FIG. 1), wherein the predetermined keyword spoken by the telecommunications user in response to the outgoing communication (column 12, line 60 to column 13, line 4) [The system allows the subscriber to enter responses of the call disposition using speech].

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 3 and 12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wurster in view of Hetz (US 5,566,235).

Regarding **claims 3 and 12**, Wurster as applied to **claims 1 and 10** differs from **claims 3 and 12**, in that it fails to disclose the switch includes a switch of a mobile switching center.

However, Hetz discloses wherein the switch includes a switch of a mobile switching center in communication with the telecommunications device via an air-interface communication scheme (column 4, lines 43-67).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the switch includes a switch of a mobile switching center of Hetz in the invention of Wurster.

The modification of the invention would offer the capability of the switch includes a switch of a mobile switching center such as the system would offer totally independent services.

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Response to Arguments

6. Applicant's arguments with respect to **claims 1-39** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4800.



g.g.

December 21, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

